

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL WORKSHOP  
October 27, 2015 @ 7:00 PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Bob Gordon, Treasurer Harry Kent, Secretary Steve Maneri, Councilmember Susan Brewer, Town Manager Debbie Botchie, and Executive Assistant Matt Amerling.

**1. CALL TO ORDER:**

Mayor Hocker called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Hocker led the pledge of allegiance.

**3. NEW BUSINESS:**

**A.** Review and discuss for possible vote on amendments to the Town Personnel Manual –  
Town Manager

Town Manager Debbie Botchie stated she reread everything in the Town's personnel manual and wanted to do some "clean-up" with it, but the main change to the manual would be the vacation schedule, which she feels is very antiquated. Ms. Botchie stated she is also presenting a chart presented to her by the City of Harrington regarding a lot of different municipalities' employee vacation schedules. Ms. Botchie stated the Town's current vacation leave is three months employment to one year results in five (5) days of vacation; two (2) through five (5) years employment results in ten (10) days of vacation; and six plus (6+) years results in fifteen (15) days of vacation. Ms. Botchie is asking Council tonight to consider for approval for Town staff the proposed schedule, which would run the same as most towns in the area – except some of those towns go up to thirty-five (35) years of employment – and the highest Ms. Botchie went for the Town was fifteen plus (15+) years for twenty-five (25) days of vacation.

Council Member Harry Kent stated he understands what Ms. Botchie is trying to do and he does not disagree with a lot of it, but the one part which bothers him is the last line of fifteen plus (15+) years for twenty-five (25) days. Mr. Kent stated he finds that a little excessive in light of the fact there are also holidays to take into account so the Town will be losing employees effectively for a month-and-a-half every year if the employees have that kind of longevity. Mr. Kent stated he would take the proposed ten (10) to fourteen (14) years for twenty (20) days of vacation and turn it into ten (10) to twenty (20) years for twenty (20) days, and twenty-one (21) years and more would get twenty-five (25) days. Mr. Kent further stated his proposal would still put a burden on the Town but he would hope by the time the administration would get to that point, the Town would be bigger and the staff cut-back would not be so significant. Mr. Kent stated he is concerned because he thinks about the number of administrative staff the Town currently has which are probably close to ten (10) years. Ms. Botchie stated the staff who are

close to ten (10) years would just be her. Mr. Kent asked where Town Code & Building Administrator Eric Evans stands with his years of employment. Ms. Botchie stated Mr. Evans has been working for the Town for five (5) years.

Ms. Botchie stated the Council and administration can agree to disagree and Ms. Botchie disagrees with Mr. Kent. Ms. Botchie stated at her previous jobs, she left the benefit of five (5) weeks of vacation, as did Town Financial Administrator Lisa Wynn, to come work for the Town. Ms. Botchie further stated most of the time the administrative staff takes their vacation to not really have a vacation in the traditional sense, but to use for other things such as medical reasons or family issues, etc. Ms. Botchie stated she believes what she is proposing is very fair even compared to the Town's neighboring municipalities and what they have for vacation time.

Deputy Mayor Bob Gordon stated he disagrees with the ten (10) to fourteen (14) years for twenty (20) days aspect, because, where he came from in his former job, he had up to six (6) weeks for up to twenty-eight (28) years. Mr. Gordon stated he proposed seven (7) to twelve (12) years for fifteen (15) days, thirteen (13) to twenty (20) years for twenty (20) days, and twenty-one (21) years and more for twenty-five (25) days. Mr. Gordon stated he thinks working ten (10) years is too soon to be getting twenty (20) days of vacation. Ms. Botchie stated she disagreed. Mr. Gordon stated when someone looks outside of government, there are not many businesses which he knows that, at ten (10) years, they get four (4) weeks of vacation. Ms. Botchie stated she was using the vacation schedule of all the local governments because the Town is a part of government.

Council Member Susan Brewer asked if the Town knew what the towns of Frankford and Ocean View do in terms of vacation. Ms. Botchie stated Ocean View did not participate in the survey, and Frankford does not even really have a Town organization or a town manager so Ms. Botchie did not look into them. Council Member Steve Maneri stated he does not see why the Town should be reviewing what its neighboring municipalities are doing and why the Town should be better than or equal to its neighbors. Mr. Maneri stated he likes Mr. Gordon's vacation schedule suggestion. Mr. Maneri further stated Council has to consider down the line when administrative staff must use their vacation time or lose it, and what happens if staff all need to take their vacation at once. Mr. Maneri asked if there would be an empty Town Hall because staff took their vacation at once. Ms. Botchie stated the policy is now what it would still be which is the staff is not allowed to all take vacation time at the same time. Mr. Maneri stated what if two staff members have twenty (20) days of vacation and they have to fight over who will get that time off. Mr. Maneri further stated if seniority is used, then the person with seniority is going to get the days off but the other staff member is not going to be able to use his vacation because there aren't enough days left in the fiscal year and vacation days do not carry over. Ms. Botchie stated the Town staff has that situation now because there can be someone who has a week or two weeks. Mr. Maneri stated the situation is manageable with one or two weeks, but what about four (4) or five (5) weeks? Ms. Botchie stated the situation would not happen now because the current staff is so staggered with its employment; Town Executive Assistant Matt Amerling has been employed three (3) years this November, Ms. Wynn has been employed a little over a year, Ms. Botchie will be employed ten (10) years as of April, and Mr. Evans is going into his sixth year.

Mr. Kent stated the employee vacation chart, which Ms. Botchie supplied, mostly has it so the recommendation of working of twenty plus (20+) years for twenty-five (25) days is not unreasonable. Mr. Kent stated he believes longevity will come to this Town at one point or another, but, at the same time, Council has to be careful with how they go about setting up this personnel manual. Ms. Botchie stated Council may want to stick with the current schedule but Town Solicitor Seth Thompson had problems with the current schedule. Mr. Kent stated he also has a problem with the current schedule because it stops at six (6) years. Ms. Botchie stated, with regards to the six plus (6+) years aspect, what she did was wait to complete her sixth year of employment to receive her fifteen (15) days because she wasn't sure what to do. Mr. Kent stated he knows there will be changes to the personnel manual as the years go by, but he would like to see Council be cautious about "jumping too far down the road."

Ms. Brewer stated she has a suggestion as to how the six plus (6+) years works. Ms. Brewer stated the manual could say "on the sixth anniversary date" so the employee would know exactly when their new vacation days would take effect. Ms. Botchie asked Council if they want her to "go back to the drawing board" on this vacation aspect. Mayor Hocker stated because there have been three different opinions from Council, he believes Ms. Botchie should go back to revising the vacation aspect.

Mr. Kent stated elsewhere in the manual, it does not make sense to have the Town Manager printing out responsive records for a Freedom of Information Act (FOIA) request. Ms. Botchie agreed and said she would fix it. Mr. Kent further stated he had a question regarding the contractors working for the Town. Ms. Botchie stated the section basically has to do with the Town having an obligation to its employees and contractors to not have nepotism when it comes to hiring sub-contractors to work on Town projects.

**B. Discuss and possible vote to reorganize the Town Planning & Zoning (P&Z) Commission – Town Manager**

Ms. Botchie stated this item is being brought up because the Town recently lost two of its "major players" in its Planning & Zoning (P&Z) Commission Board, and Ms. Botchie just received an email tonight stating a third commissioner may be resigning soon. Ms. Botchie stated the other reason for reorganizing is because it is difficult to get members, as well as qualified people, on the P&Z board, who do not come from the same community, and it is difficult to get a quorum. Ms. Botchie further stated she, Mr. Evans, and AECOM representative and Town planner Kyle Gulbranson are the ones usually reviewing the plans before they go to both P&Z and Council. Ms. Botchie stated her recommendation to Council is to disband the P&Z Commission as it is right now and replace it with a planning committee, similar to how the town of Millsboro does it. Ms. Botchie stated she is suggesting the committee consist of herself, Town Code & Building Administrator Eric Evans, AECOM representative/Town planner Mr. Gulbranson, and a member of the Town Council, and this way, they could all meet with the applicant(s) more than once, which they all do anyway, and then the committee could bring the recommendation to Council, the same as P&Z would have done.

Mr. Kent asked because there are four members on the committee, what would happen if there is a tie of two people for and two people against? Ms. Botchie stated the number of four members is the same as in Millsboro, which has been working well for them, and this committee is just a recommending body so it is not an official vote to pass the item(s) under review. Ms. Botchie stated if two committee members say yes and two say no, that recommendation will go before Council, whose job it is to make an official vote. Ms. Botchie further stated this idea has been approved by Town Solicitor Seth Thompson as well.

Ms. Brewer asked if the Council member on this new committee would have to recuse themselves from any item(s) associated with the community where the Council member resides. Ms. Botchie stated such a rule would not apply because this is not a formed commission, which is formed by ordinance, but simply a committee, which has no ordinance. Mr. Gordon asked if these meetings with the committee would be scheduled or not. Ms. Botchie stated the committee would schedule the meetings with the applicant. Mr. Gordon asked if the meeting would be open to the public. Ms. Botchie stated no, because the committee is not formed via an ordinance. Town Executive Assistant Matt Amerling stated the public would see the proposed plan(s) when Council would see it at the monthly Council meeting. Ms. Botchie stated those people who are on a voting Council would have a more effective voice out in the public comments rather than being on the Council anyway, because if they were on the Council, they'd have to recuse themselves. Ms. Botchie further stated by law, since the Town has a zoning Code, the Town does not need to have a formal P&Z Commission. Ms. Botchie stated when she started planning this reorganization, she spoke with Ms. Brewer since Ms. Brewer had previously sat on the P&Z Commission, and Ms. Brewer kindly agreed to serve on this committee. Ms. Botchie stated making this change will "lighten the load" for the Town administrative staff in terms of transcribing minutes, arranging meetings, getting a quorum, and getting qualified members without a conflict of interest.

Mr. Kent motioned to approve to reorganize the Town Planning & Zoning (P&Z) Commission as outlined by the Town Manager in her memo of October 20, 2015. Mr. Gordon seconded the motion. Mayor Hocker asked for a roll call vote. Mr. Gordon voted yes. Mr. Kent voted yes. Ms. Brewer abstained. Mr. Maneri voted yes. And Mayor Hocker voted yes. Motion carried 4-0-1, with Ms. Brewer abstaining.

**C. Discuss and review Ordinance 16-02, entitled Ordinance Regulating the Possession of Firearms, Ammunition, Components of Firearms, and Explosives in Municipal Buildings and Police Stations in the Town of Millville.** Synopsis: Ordinance 16-02 is based on House Bill 192, which was adopted by the 148<sup>th</sup> General Assembly, to prohibit possession of firearms, ammunition, components of firearms, or explosives in municipal buildings and police stations.

Ms. Botchie stated this is the exact ordinance which was drafted by Max Walton for the State, and Mr. Thompson has reviewed it as well. Ms. Botchie stated she and Mr. Thompson found no reason to tweak it or update it. Ms. Botchie stated what this bill is saying is it's not taking away one's right to bear arms, but rather just saying one cannot bring guns into municipal buildings. Ms. Botchie this is sadly just a reflection of the times we live in, so if someone responsible comes in with a gun, but someone "unstable" comes in with him and grabs the gun, there won't

be an incident in Town Hall. Ms. Botchie stated right now she simply wants to know if Council would like to see this Ordinance on its November meeting agenda. Mr. Gordon stated yes, to him, this is common sense, and it should be on the agenda so Council can pass it as soon as they can.

Mr. Kent stated he has a problem with the State's government approach to this ordinance because, to him, this is a "lame duck thing" because, who is going to enforce this ordinance? Mr. Kent stated the Town does not have a police force, so that will raise some issues. Ms. Botchie stated the Town staff does have panic buttons so if there is any sign of trouble, police will be immediately notified. Mayor Hocker stated this ordinance gives the means to give authority to Town staff to tell someone, who comes in with a gun, to leave their firearm outside of Town Hall. Council agreed to vote on the ordinance at the November Council meeting.

**D.** Discuss and review Ordinance 16-03. Synopsis: Ordinance 16-03 will remove Special Exceptions requirements from Town of Millville Code at Chapter 155 at: Article XI Board of Adjustment § 155-58. Special Exceptions.

Ms. Botchie stated this ordinance will remove the "special exceptions" from the Board of Adjustment portion of the zoning code, making this ordinance simply a "clean-up thing" so the amended Code will be consistent. Council was fine with this ordinance and will be reviewing it at the November Town Council meeting.

#### **4. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS**

There were no comments.

#### **5. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., NOVEMBER 10, 2015**

#### **6. ADJOURNMENT**

Mr. Gordon motioned to adjourn at 7:45 p.m. Mr. Kent seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Executive Assistant